



POLICE DEPARTMENT

October 21, 2022

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In the Matter of the Charges and Specifications :

Case No.

- against - :

2017-18356

Detective Madelyn Ciprian :

Tax Registry No. 928076 :

79th Precinct :

-----X  
At: Police Headquarters  
One Police Plaza  
New York, NY 10038

Before: Honorable Paul M. Gamble  
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Javier Seymore, Esq.  
Department Advocate's Office  
One Police Plaza  
New York, NY 10038

For the Respondent: Peter Brill, Esq.  
Brill Legal Group, P.C.  
306 Fifth Avenue, Penthouse  
New York, NY 10038

To:

HONORABLE KEECHANT L. SEWELL  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NY 10038

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## CHARGES AND SPECIFICATIONS

1. Said Detective Madelyn Ciprian, on or about December 19, 2017, while assigned to the 79<sup>th</sup> Precinct, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Detective Ciprian directed threatening and disparaging remarks at her ex-husband Garrett<sup>1</sup>.

P.G. 203-10, Page 1, Paragraph 5

CONDUCT PREJUDICIAL

## REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on October 6, 2022. Respondent, through her counsel, entered a plea of Not Guilty to the subject charge. The Department called Lieutenant Shaun Tanner as a witness and Respondent testified on her own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having reviewed all of the evidence in this matter, the Tribunal finds Respondent Guilty of the charged misconduct. I recommend that Respondent forfeit 17 suspension days previously served, forfeit an additional 13 vacation days, and participate in a 24-week counseling program.

## ANALYSIS

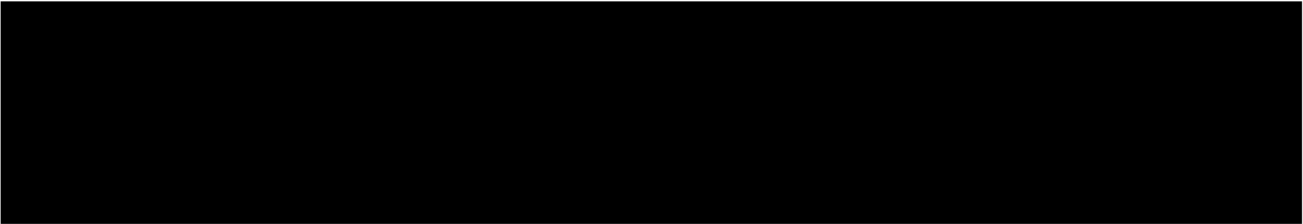
The issue, in this case, is whether Respondent may be subject to Department discipline for uttering a racial epithet and a disparaging term, in combination with arguably threatening language, directed toward her former husband. Based upon the relevant, credible evidence in the record, I find that Respondent committed the acts alleged and that her actions violate the Patrol Guide.

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<sup>1</sup> "Garrett" is a pseudonym for Respondent's former husband, whose identity is known to the Tribunal.

It is undisputed in this case that on December 19, 2017, Respondent placed a telephone call to her former husband, Garrett, which he received while driving in his car. Respondent and Garrett, who was a sergeant with the Department<sup>2</sup> at the time of the incident, had been divorced since 2011, but their two biological children, and Respondent's teenage daughter from another relationship, were in the car with him (T. 36; Dept. Ex. 1). Garrett recorded the aforementioned telephone conversation and provided a copy of the recording to Respondent's local police department on December 23, 2017, in addition to completing a Domestic Incident Report (T. 20; Dept. Exs. 1, 2).

According to Garrett, Respondent told him during this telephone call, "Who do you think you are, n—er; I will fuck you up" (T. 16-17; Dept. Exs. 1 at p. 4, 2). Respondent also used the word "pu—y" to characterize her ex-husband's behavior (Dept. Ex. 1).



Respondent admitted during her Department interview on June 1, 2018, that the voice on the December 19, 2017, recording was hers and that she made the statements the recording captured (T. 21, 40). During her in-court testimony, Respondent admitted that she made the call to her former husband but explained that she used the word "n—a," not "n—er"; she further admitted that she called her former husband a "pu—y" (T. 40-41). Respondent testified that when she made the call, she was upset with him because he had picked up one of their children from school repeatedly without consulting with her beforehand (T. 37-38). Respondent further admitted that when she made the call, she was on full duty and had access to her firearms (T. 43).

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<sup>2</sup> Lieutenant Tanner confirmed that Garrett has since retired from the Department (T. 26-27).

Respondent claimed that her use of the word “n—a” was not a slur but simply a word used in rap songs. She explained further that her use of the word “pu—y” did not refer to female genitalia, but used to suggest that her husband was weak (T. 40-41).

*Making Threatening and Disparaging Remarks*

I find that the Department Advocate has met his burden of proof by a preponderance of the relevant, credible evidence that Respondent made threatening and disparaging comments directed toward her former husband on December 19, 2017. I further find that such remarks are prejudicial to good order, discipline, and efficiency in this Department.

Counsel for Respondent argued that the language Respondent used was beyond the reach of this Department because it was uttered during a private conversation. This assertion is belied by Department precedent taking the opposite view, that Members of Service may be disciplined for making threats to intimate partners through telephone calls and text messaging, both of which involve presumably private means of communication (*Disciplinary Case No. 2021-23350*- [May 20, 2022]; *Disciplinary Case No. 2017-18078* [Nov. 15, 2018]; *Disciplinary Case No. 2014-12629* [Aug. 13, 2015]).



I have considered the language Respondent used in the conversation and her tone and find that, in the aggregate, it was a threatening communication. Asserting that she would “fuck [him] up” could have several meanings, ranging from physical harm to vexatious litigation, any

of which would be objectively unpleasant for her former husband. The tone of the conversation and how she began it (“Look, n—r”) reveal an intent to communicate that the speaker is serious and that the words that follow are meant to be taken seriously.

This Tribunal need not parse the usage of “n—er” versus “n—a”; the use of either formulation within the context of this conversation puts the listener on notice that the communication is an adversarial one, potentially leading up to violence. Respondent’s admission at trial that she called her former husband a “pu—y” in the same conversation to indicate that he was weak erases any ambiguity about her intention to both threaten and humiliate him.

This communication is prejudicial to this Department’s good order, discipline, and efficiency in several respects. First, Members of Service are held to a higher standard of personal conduct in their professional and private lives than citizens. Even amid an emotionally fraught divorce, they are expected to treat all individuals courteously and respectfully. The language Respondent used was unacceptable, whether directed toward a member of the public or a former spouse.

Second, Members of Service are sworn guardians of the peace authorized to carry arms and use deadly force where appropriate. With this great responsibility comes a duty of self-restraint so that the public believes that police officers will not abuse their positions to the detriment of the public order they are duty-bound to maintain.

I, therefore, find Respondent Guilty of the sole specification.

### PENALTY

In order to determine an appropriate penalty, this Tribunal, guided by the Department’s Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances,

including potential aggravating and mitigating factors established in the record. Respondent's employment history also was examined (*see* 38 RCNY § 15-07). Information from her personnel record that was considered in making this penalty recommendation is contained in an attached memorandum.

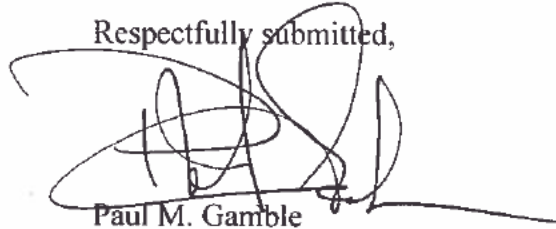
Respondent, who was appointed to the Department on July 2, 2001, has been found guilty of making threatening and disparaging remarks toward her former husband. She has no prior formal disciplinary history.

The Disciplinary Guidelines recommend a penalty of 30 days and other conditions for committing a non-physical act of domestic violence. The Department has recommended forfeiture of 17 suspension days previously served, an additional 13 vacation days, and a one-year period of disciplinary probation. I disagree with their recommendation for disciplinary probation but otherwise concur with the proposed penalty.

As a 21-year Member of Service, Respondent should have displayed greater forbearance than to threaten her former husband over the telephone because she became upset at his parenting decisions. Respondent's children were present during the telephone call: while there is no evidence that they heard the exchange between their parents, Respondent potentially put them at risk by engaging in such a conversation with their father while driving his car, in which they were passengers.

Accordingly, I recommend that Respondent participate in a 24-week counseling program. I further recommend that Respondent forfeit 17 pre-trial suspension days previously served. Finally, I recommend that Respondent forfeit an additional 13 vacation days, for a total of 30 penalty days.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Paul M. Gamble', written over a horizontal line.

Paul M. Gamble  
Assistant Deputy Commissioner Trials

**APPROVED**

NOV 04 2022  
  
KEECHANT L. SEWELL  
POLICE COMMISSIONER



## POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD  
DETECTIVE MADELYN CIPRIAN  
TAX REGISTRY NO. 928076  
DISCIPLINARY CASE NO. 2017-18356

Respondent was appointed to the Department on July 2, 2001. On her three most recent annual performance evaluations, she was rated “Meets Standards” for 2019, 2020, and 2021. She has been awarded one medal for Excellent Police Duty.

Respondent has no disciplinary history. In connection with the instant matter, she was suspended without pay from December 23, 2017, to January 8, 2018, and was placed on Level 2 Discipline Monitoring in January 2018. Monitoring is still ongoing.

For your consideration.

Paul M. Gamble  
Assistant Deputy Commissioner Trials